

PAMELA MELVIN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration, et al.,

Defendants.

On April 19, 2012, Magistrate Judge Webb issued a Memorandum and Recommendation (“M&R”) [D.E. 84]. In that M&R, Judge Webb recommended that defendant Wal-Mart’s motion to dismiss [D.E. 81] be granted. On April 26, 2012, plaintiff filed a response to the M&R [D.E. 85]. In that response, plaintiff asks the court to immediately dismiss plaintiff’s claims against Wal-Mart without prejudice for lack of personal jurisdiction. On April 26, 2012, plaintiff filed an emergency motion with supporting memorandum for an order dismissing Wal-Mart for lack of personal and subject-matter jurisdiction [D.E. 86, 87]. On May 10, 2012, defendant Wal-Mart filed a response to plaintiff’s response to the M&R and to plaintiff’s motion to dismiss [D.E. 88].

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satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, plaintiff’s objections, plaintiff’s motion, and defendant’s response. As for those portions of the M&R to which plaintiff did not object, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed de novo the objections and the M&R, plaintiff’s objections are overruled.

This court agrees with the conclusions in Judge Webb’s thorough analysis and adopts them as its own. Accordingly, the court ADOPTS the M&R [D.E. 84]. Defendant Wal-Mart’s motion to dismiss [D.E. 81] is GRANTED. Plaintiff’s objections to the M&R [D.E. 86] are OVERRULED. Plaintiff’s motion to dismiss [D.E. 86] is DENIED AS MOOT. The Clerk of Court is directed to close the case.

SO ORDERED. This 17 day of May 2012.



JAMES C. DEVER III
Chief United States District Judge